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LETTER

FROM

MR SMITH, (J.) R

TO

The Right Honourable

SIR JAMES STIRLING, Bart.

LORD PROVOST,

AND TO THE

MAGISTRATES AND COUNCIL OF EDINBURGH,

CONCERNING

SOME RECENT TRANSACTIONS IN THE COUNCIL,

IN WHICH THE PUBLIC ARE INTERESTED.

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LETTER, &c.

Edinburgh, 17th March 1800.

MY LORD,

I TAKE the liberty of addressing your Lordship, as Chief Magistrate, and, through your Lordship, the Council of the City, upon a subject interesting to myself; and the more so, as, in my apprehension, it is interesting to all the inhabitants of Edinburgh.

Your Lordship will recollect, that, in the month of September last, I had the honour to state to your Lordship, and to the Town Council, the view I then entertained of the derangement and mismanagement which had long taken place in the Revenue of the City, and the danger to which, in consequence of this, the credit of the City was evidently exposed. I had then occasion to observe, that the Magistrates, from a seeming desire of obviating these difficulties, had taken it upon them, by *their own proper authority*, to assess the inhabitants in the annual sum of L. 1500 Sterling, which they had applied to their Ordinary Expenditure; and, that they had also thought proper to appropriate, to the same purpose, several parts of annual income, which are destined by law, not to the Ordinary Expenditure, but to purposes that are special

cial and entirely distinct from it ; all which I considered as illegal, of dangerous precedent, and tending to precipitate the ruin which threatened the credit of the Town.

Having made the above representation, as I had the most perfect confidence in your Lordship's wisdom and justice, and being also persuaded, that it is the fixed sentiment of the Magistrates and Council, as in duty bound, to maintain the rights, and to promote both the general and individual prosperity of the inhabitants, I did not entertain a doubt, that your Lordship, and the Council, would have proceeded to form and to carry into effect, such wise regulations, respecting the Public Revenue, as might have averted the impending danger, put the credit of the City upon a respectable and solid foundation, and would have effectually put an end to all just complaints of illegal procedure, or dangerous precedent.

I have waited, for some time past, in expectation of the happy effects of the wise and patriotic exertions of the Magistrates and Town Council upon these important subjects ; and I would have extended my patience yet farther, until the restoration of peace and plenty had set at rest the public mind, and afforded the rulers of the City, ample leisure to give their attention to these momentous concerns ; but I have lately had occasion to observe, not only that the same ruinous measures are uniformly persevered in, but that, with the most unaccountable inattention, the Magistracy run still on, without having even the semblance of

an apology, to encrease the Public Expenditure, though it already so far exceeds the yearly Revenue of the City. This being the case, I can no longer resist the call made upon me by many of the respectable inhabitants; I can no longer resist the sense which I have of my own duty and interest, by which I feel myself impelled to state to your Lordship, my sentiments concerning some recent transactions of the Magistrates and Town Council, which not only, according to my apprehension, but in the opinion of many others, have a manifest tendency to encrease the disorders of the City Revenue, and otherwise become materially detrimental to the interest of the Town; and, when I do so, were I to form my hopes of the subsequent conduct of the Magistrates, upon the opinion I have ever entertained of your Lordship's candour, I could not, for a moment, doubt, that every measure, inconsistent with the public good, would be immediately relinquished.

In the Edinburgh newspapers of Thursday last, it was announced to the public; that 'Yesterday, in the Town Council, Mr JACKSON, Dean of Guild, made a motion to the following purpose: That the parish of St Andrew's, in the New Extended Royalty, which is at present a Single, be made a Collegiate Charge: That the Rev. Mr David Ritchie of Kilmarnock, who had lately officiated as assistant to the Rev. Dr Moodie, to the entire satisfaction of the session and congregation of St Andrew's, should be appointed the junior minister of that parish; and that the Town Council, at the same time

‘time, in testimony of their respect and gratitude
 ‘to DR BLAIR, for his able, useful, and long ser-
 ‘vices, should engage Mr Ritchie to supply his
 ‘diet in the High Church. To this motion of Mr
 ‘JACKSON, the Lord Provost, Magistrates, and
 ‘Council, unanimously agreed, and enacted ac-
 ‘cordingly.’

Upon the subject of this motion, and consequent enactment, your Lordship will give me leave to observe, that the Magistrates and Town Council have, in this, acted beyond their powers; and besides, have subjected the Revenues of the City to a very heavy burden, which is not only unnecessary and inexpedient, but prejudicial to the public, in so far as it tends to prevent the accomplishment of measures necessary for the public good, which are within the power of the Magistrates, and which it is their duty to bring into effect.

I say, My Lord, the Magistrates of Edinburgh have no right, neither have they a competent authority, to make an erection of any new charge, or introduce any new Clergyman into the body, or constitute him, by any new erected office they can confer on him, a member of the Ecclesiastical Establishment.—The Ecclesiastical Establishment in Scotland, is, at present, precisely defined by law, and the number can neither be encreased nor diminished but under the forms which the law prescribes; and it is equally competent to the Magistrates, to add an additional Bailie to their own number, as to add an additional Ecclesiastical Member to the Church. Mr JACKSON appeared completely

pletely ignorant of this, when he came forward with his motion, so contrary to law, and so subversive of all order, and the Council seem to have been equally ill informed, when, with so much precipitation, contrary to common use, they run on to make enactments so far beyond their powers, as if the Magistrates of Edinburgh could model the constitution of the Church at their pleasure. But, I am very ill informed, if the law of the land does not expressly direct, that, before the number of Clergymen, upon the Establishment in any parish, shall either be encreased or diminished, the consent of three-fourths of the property of the parish is requisite, and even after that is obtained, it is not only necessary to obtain the consent of the Presbytery, in the bounds of which it lies, but also of the General Assembly of the Church; and furthermore, that the incumbent, established in such a charge, may have a legal right to the emoluments of his office, and that the new erected charge may be legal and permanent, the erection must be sanctioned by the Lords of Plantation of Kirks, &c. &c. But the Magistrates of Edinburgh have set aside, by *their own authority*, these laws and settled constitutions, and attempted to impose a pastor upon a parish, and a constituent member upon the Church of Scotland, in a manner so irregular and so unconstitutional, that it needs only to be noticed to your Lordship, to convince you, that these enactments of the Magistrates ought to be re-considered by them.

But farther, as the Magistrates of Edinburgh
had

had no power to make a new pastoral legal establishment in any parish, or to add to the Church a constituent Ecclesiastical Member, so, still less have they it in their power to *bestow a stipend upon a charge thus constituted, unless they shall choose to pay him out of their own pockets.*

It is true, that the Revenue, appropriated to the support of the Ecclesiastical Establishment in the City, which is at present under the administration of the Magistrates, greatly exceeds the sum actually expended for that purpose; but this Revenue is, in fact, the property of the Church, *as by law established*, and is continually subject to the necessary demands of the Clergy of the City. Their right is unalienable, and cannot be burdened with the expence of new erections; and it is absurd for the Magistrates to pretend, that, by creating what number of Clergymen in the City they shall think proper, they may exhaust that property, and thereby render it impossible, that the livings of the Clergy can ever be augmented, whatever the necessity of the times may require. The Ministers of the City, who are faithful to the interests of their successors, will naturally be alarmed, when they are informed, (to the truth of which I can give them demonstration) that, if a new establishment is made in St Andrew's Church, the funds remaining will not afford, at any after period, an augmentation of stipend to each of them beyond L. 45 annually, as that would exhaust the whole of the funds which the *Magistrates consider* as appropriated by law to that purpose. Every
landholder

landholder in Scotland has an equal right to appoint a minister upon his estate, that the Magistrates have to appoint an additional minister to the Town of Edinburgh; but the law will not permit any heritor, in any shape to alienate the teinds of his estate, to the prejudice of the minister who already is, or may be established in the parish where that estate lies; so it is obvious, the principles upon which Mr JACKSON's motion, and the consequent determination of the Magistrates proceeded, are *perfectly untenable*.

But I must take the liberty farther to remark, that, even supposing the Magistrates had taken more time to deliberate before they had decided; though they had obtained the formal consent of the Church, and even the sanction of the Lords of Plantation of Kirks, &c. yet, in the present situation of the Revenues of the City, I will take upon me to say, that it is unjust; that it is beyond the power of the Magistrates, to alienate so large a sum as L. 200 annually from their Revenues, to endow with a stipend, an additional Clergyman in the City, unless your Lordship, and the Council, should have chosen to undertake *personal responsibility*; and this, from the circumstances of the case, will probably be held to be implied.

The Magistrates assuredly know, and, I believe, there is not a gentleman in Edinburgh who has attended to the subject, but is convinced, that the ordinary or general Expenditure of the City, exceeds, by several thousand pounds, their Ordinary Revenue, *a progress which must prove ruinous to any estate*. Now, supposing the Magistrates to be

entitled to employ, upon their Ordinary Expenditure, that part of the Ecclesiastical Revenue which is not applied at present to the support of the Clergy. Is it just—Is it reasonable—loaded as the City is with debt continually accumulating—Is it just—Is it reasonable—that without the shadow of necessity, so large a sum as L. 200 annually, should be *for ever* alienated from the Public Revenue, which is already inadequate to the necessary purposes? An attempt of this nature is thoughtless in the extreme; it is truly alarming; it is unjust to the public; unjust to the public creditor, and the City annuitants; and, I am persuaded, upon that footing, the deed might be reduced. The sum of money necessary to purchase a perpetuity of L. 200 a-year, (reckoning money permanently sunk as worth 4 *per cent.*) would be FIVE THOUSAND POUNDS STERLING, which is one view of the extent of the evil thus most graciously conferred upon the City.

But what must be the impression which such a transaction makes upon the public mind, when they are informed, that the Magistrates have made use of the popular pretence, of the necessity of supporting the Clergy already established, to impose a tax upon the City, of no less an annual sum than L. 1500, which they have actually done, not under the sanction of Parliamentary authority, *without which, it is unlawful to exact any money from a British subject*; and yet after they have been, as they pretend, compelled by necessity to adopt so desperate an expedient, they come immediately forward and announce to the public, that, without any necessity,

cessity, they have added to the number of the Clergy, and burdened the City with an additional L. 200 *per annum*.—Can the Council possibly imagine, that such a transaction will meet with the approbation of the community, or that they can fairly answer to their constituents, for such an unnecessary waste of the Revenue of the Town?

I know, my Lord, though Mr JACKSON took care that this should not be announced in the newspapers—I know that he moved in Council to this purport:—‘ That having had some conversation with the members of St Andrew’s Kirk Session, *he had reason to believe*, that they were willing to provide for *some part* of the stipend to be paid to Mr Ritchie, until a Church of one of the smaller parishes should be uncollegiated; and that a Committee be appointed to converse with the Session on that business;’ which was agreed to by the Council accordingly. This motion, give me leave to observe, is palpably replete with absurdities, upon which it is needless to dwell; suffice it to say, that Mr JACKSON himself seemed perfectly sensible, that he had no intention by this second motion, but to carry the object of his first; because, upon its being *put to him*, he refused to conjoin them together, and to make the appointment of Mr Ritchie conditional, declaring, in his place, that it behoved the first motion to stand, and to pass into a law, be the fate, or the issue of the second what it might; so, that by rendering that appointment absolute, his second motion became completely ridiculous; it being absurd to suppose, that

the Elders of St Andrew's Session, were such downright fools, as to give away their money to the Town, *after their object was secured to them without it, by the vote of the Council*; and it betrayed a want of information, on the part, as well of the Council, as of Mr JACKSON, not a little striking, that, in a transaction of this kind, *the bargaining for a presentation*, is Simony direct. At any rate, it is in vain for the Magistrates to suppose, that they can uncollegiate any Church at their pleasure, merely that they may collegiate another; and they may rest assured, that if once an additional Clergyman is settled, and made legal in St Andrew's Church, the burden of his stipend *will be a burden permanent on the Revenue of the Town*.

Were, indeed, the interests of religion concerned in the measure, though I might have lamented the irregularity and illegality of it, I might have been induced silently to acquiesce; but when the subject is duly considered, I find, not only that the interests of religion are not promoted by the plan adopted by the Magistrates, but that it is directly prejudicial to them. Far be it from me to say, that Mr Ritchie's ministry in the City would not be attended with particular benefit to the religion and morals of the people. I know the Gentleman well, and esteem him highly; I am certain that his education, his abilities, his attainments, and, above all, his pure and incorruptible principles, render him perfectly qualified to become an useful minister in this City; but I cannot help thinking, and he must excuse me when I say so, that,

that, in the present instance, there is no occasion for the assistance of his labours in the Church, or parish of St Andrew. I have not heard, that these most respectable parishioners have made any complaint to the Presbytery or Town Council—they have not said that they have found the parochial duty, either negligently or ineffectually performed by their present able and worthy Pastor; neither have they petitioned for further ecclesiastical assistance. I have not heard that Dr Moodie has represented the weight of the charge as beyond his abilities; or that he has craved assistance, in order that the pastoral duties may be performed more effectually in his parish. I rather apprehend, that, as he has undertaken the charge of the education of the youth, in one of the classes of the University of Edinburgh, he considers himself, most justly, (agreeably to the general opinion) fully equal to the duties of the pastoral office of the parish over which he is appointed—What the necessity has then been, which has occurred to Mr JACKSON, in his abundant care of the spiritual concerns of the parish of St Andrew, to induce him to move the Council to appoint an additional minister to that parish, it is impossible for me to guess. I could much more easily have conceived a good reason, why he might have proposed to *uncollegiate all the Churches in Edinburgh*, than why he should wish to have two ministers placed in St Andrew's Church. Had he proposed the erection of a number of new Churches, and to fill them with ministers now officiating in collegiated charges—had

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he proposed to lay open these Churches to the poor, and to every person not in ability to pay for access to a seat—had he proposed to exact little or no rent for the seats, and thereby given the ordinary classes of the inhabitants an opportunity of being instructed in their duty, which is at present, by the exorbitant rent of the seats impossible, such measures would have conduced greatly to prevent defections from the Church—they would have been conducive to unity, good order, and sound morals amongst the people; by such measures which have been long ago hinted at, and recommended by the Lord Provost, Mr JACKSON would have met with the good will and chearful support of every individual; but I believe there is not a man in Edinburgh, who thinks that a single charge in this City is a burden too heavy for any Clergyman, and I am certain there is not a man, acquainted with Dr Moodie, who is not satisfied, that he is as perfectly equal to that charge, as any Clergyman in Edinburgh; so that to sink for ever L. 200 Sterling annually, which, at 4 *per cent.* interest, is the same as if the Town had contracted an additional debt of FIVE THOUSAND POUNDS STERLING, to do a thing so ruinous, in order to give a *junior* Clergyman to St Andrew's Church, would, in the present drained situation of the City Revenue, be unjust, and, at any rate, would be highly inexpedient; for, if the money could be spared, it evidently might be applied to ecclesiastical arrangements, much more beneficial

beneficial to the interests of religion, and the morals of the inhabitants.

As to the other purpose avowed in Mr JACKSON's motion, the giving of an assistant to Dr BLAIR, it is ridiculous and incompetent. The Magistrates forget themselves. They not only think that they can erect a charge, and there place a Clergyman, making him a member of the Ecclesiastical Establishment at their pleasure, and waste the public money for no purpose, but they think themselves entitled to prescribe to him the duties which he must perform when admitted into the City ; but it is right they should be informed, that it is beyond the power, either of patron or people, to give a *conditional* presentation or call to any gentleman to be minister of a parish, and no gentleman presented or called, would be in safety to make conditions, either by himself or friends, previous to his acceptance of either. I already stated, that it was direct Simony, for the Kirk Session of St Andrew *to offer money to the Magistrates* for their presentation to Mr Ritchie, which, by Mr JACKSON's second motion, it would appear they had done ; and, if Mr Ritchie, in order to obtain the presentation, should engage in other duties distinct from the duties of his charge, this also might be construed a species of Simony, and might overturn his settlement.

You may, when employing an assistant, impose what conditions you think proper, for he is your servant, and you pay him ; but a gentleman, called to the charge of a parish is independent, and
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can be bound to nothing, but to do the duties of the office to which he is appointed.—Even if that were not the case, the incense at present offered by the Magistrates, to the high respectability, and eminent usefulness of Dr BLAIR, is unworthy of his acceptance. The saving to him would be but a trifle, and, in his opulent circumstances, this is unnecessary; he now employs an assistant, who is always at his command for the performance of every parochial duty; and Dr BLAIR knows, that there are other duties incumbent upon a minister besides preaching. There was, indeed, a time, when the Magistrates had it in their power to have paid a just tribute to the distinguished abilities, and eminent services of Dr BLAIR, to which they were called by the united voice of the City, I may say, by the voice of the whole kingdom, and they would then have done honour to themselves, if they had placed him at the head of the seat of learning in the University; but, in the present instance, for them to say (which is all they can say) that in order to shew *respect to Dr BLAIR*, the Magistrates of Edinburgh *will ask the favour* of Mr Ritchie, that, when he becomes minister of St Andrew's Church, he will regularly *supply the place of the Doctor*, by preaching for him in the High Church; I say, the favour is unworthy of Dr BLAIR's acceptance, and it is astonishing, the ridicule of the proposal did not appear to Mr JACKSON himself when he moved it.

The whole of the scheme now enacted by the Magistrates, is not only unnecessary, and highly

inexpedient, but, I will be bold say, it is very reprehensible, and is far, indeed, from giving an apology for the waste of the City's funds, which are already in a state of great disorder—it is far from giving a good reason, why the Magistrates should add L. 200 annually, to the immense sum by which their expenditure already exceeds their income—it is far from being a good apology for accumulating an additional burden of debt upon the City, already so much oppressed—it is very far, indeed, from being sufficient to induce the inhabitants of Edinburgh, to continue to submit to the illegal imposition of L. 1500 Sterling annually, or to be easy under the prospect of additional burdens.—These are reasons, which, in my apprehension, should induce the Magistrates to re-consider and recal their resolutions of Wednesday last.

My Lord, the reasons above stated, together with others which may readily occur to your Lordship's superior discernment, have induced me to take the liberty of making this address to your Lordship, and the Town Council; and, from my knowledge of the City, I beg leave at the same time to intimate my apprehension, that if something is not done to quiet the public mind, the exaction of the L. 1500, imposed by the Magistrates, contrary to law, upon the inhabitants, will probably be resisted; and, that methods may be likewise adopted to provide against similar attempts, as well as to ensure, that the sums levied by the Magistrates, which were originally appropriated to different charitable purposes, shall not be diverted from their

destination. It will give me inexpressible concern, if ever such strong measures shall become necessary in Edinburgh, and it is one of my great objects, in this letter, that they may be prevented, as I am sensible they would be attended with very disagreeable effects.

It is very possible, the motives of my present conduct may be misrepresented; but it gives me no concern, what motives some may think proper to assign for it—The objects I have proposed are just and worthy, and I have spoken to your Lordship with plainness and candour. As my duty to myself and to the public has impelled me to do so, I think myself entitled to your Lordship's fair construction, and I beg to assure your Lordship, that in no situation can I forget the respect and veneration to which, as Chief Magistrate, your Lordship is entitled, nor the high esteem so justly due to you as a Gentleman.

I have the honour to be,

My LORD,

Your LORDSHIP'S

Most humble, and

Obedient Servant,

4 JA 55 THO. SMITH.

*The Right Honourable,
Sir James Stirling, Bart.
Lord Provost of Edinburgh.*

Ec. Ec. Ec.